JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE IN AND FOR SUSSEX COUNTY COURT NO. 17

| JOSEPHINE PAOLETTI Plaintiff Below, Appellee | § § § | |
|--|-------------|-------------------------|
| | § | |
| VS | § | C.A. No. JP17-21-004636 |
| | § | |
| | § | |
| MELVIN MORRIS | § | |
| SALLY MORRIS | § | |
| Defendant Below, | | |
| Appellant | | |

TRIAL DE NOVO

Submitted: February 22, 2022 Decided: February 22, 2022

APPEARANCES:

Chad Lingenfelder appeared for Plaintiff Defendants appeared pro se

William Wood, Justice of the Peace Richard Comly, Justice of the Peace Deborah Keenan, Deputy Chief Magistrate

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE IN AND FOR SUSSEX COUNTY COURT NO. 17

CIVIL ACTION NO: JP17-21-004636

JOSEPHINE PAOLETTI VS MELVIN MORRIS ET AL

ORDER ON TRIAL DE NOVO

The Court has entered a judgment or order in the following form:

This is action is trial de novo appeal to a three-judge panel. Plaintiff seeks back rent and possession of her rental property based upon 60 Days' notice of termination as prescribed by 25 Del C §5106. Defendants do not dispute that back rent is due, but aver that the notice was retaliatory and that it was subsequently voided when the parties reached agreement on a new lease.

Having heard the testimony and considered the evidence submitted during trial, the Panel unanimously agrees that Plaintiff has proven her case by a preponderance of the evidence. The notice provided to Defendants was compliant with statute. There was no evidence of a retaliatory act on Plaintiff's part and there was insufficient evidence that a meeting of the minds to form a new lease ever took place. While there were multiple negotiations and an offer, no writing took place nor was there adequate notice to Plaintiff that there was an acceptance of the offer. The panel also finds that the Plaintiff is entitled to double damages for holdover tenancy pursuant to 25 Del C §5515.

Accordingly, judgment is awarded Josephine Paoletti against Melvin and Sally Morris for \$4,233.62, accruing rent of \$33.33 per day until the rental property is vacated, \$87.50 court costs, and possession. Post judgment interest shall accrue at the legal rate of 5.25% per annum.

IT IS SO ORDERED 22nd day of February, 2022

| /S/ William Wood | (SEAL) |
|---------------------------|--------|
| Justice of the Peace | |
| For the Three Judge Panel | |

Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).